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Subject: Air & Radiation Law News for September 28, 2017



Air & Radiation Law News

for September 28, 2017

Bloomberg BNA Daily Environment Report™

News

Air Pollution

Fertilizer-Ingredient Makers Get to 2018 for Air Toxics Rule

Manufacturers of phosphoric acid, a key ingredient in fertilizer, now have until 2018 to reach two compliance deadlines for hazardous air pollutants, the EPA said in a final rule.

Air Pollution

Maryland Takes EPA to Court Over Interstate Air Pollution

Maryland is suing the EPA for failing to limit air pollution blowing in from other states, the state announced Sept. 27.

Climate Change

Climate Shocks May Cost U.S. \$1 Billion a Day as Planet Heats Up

Stronger hurricanes, hotter heat waves, more frequent wildfires and more severe public-health issues are all adding to the costs of climate change, which will reach almost \$1 billion a day in the U.S. within a decade, according to a report released Sept. 27.

Climate Change

Hurricane Maria May Be Preview of Climate-Fueled Migration

Hurricane Maria's devastation of Puerto Rico may offer a preview for Americans of one of the most jarring

potential consequences of global warming: the movement of large numbers of people pushed out of their homes by the effects of climate change.

Climate Policy

World's First Green Exchange Lists \$74 Billion in Its First Year

The Luxembourg Green Exchange, the world's first bourse for securities related to climate change, listed 63 billion euros (\$74 billion) of bonds after one year.

EPA

Scrutiny of Pruitt Travel Expands With House Request to Agencies

EPA Administrator Scott Pruitt's travel faces new scrutiny as House lawmakers ask all government agencies for details on officials' use of non-commercial planes.

Energy

Brazil Gets \$3.8 Billion Boost to Budget from Power Auction

Brazil raked in 12.1 billion reais (\$3.8 billion) in revenue from a power plant auction that was key for efforts to hit a closely-watched budget goal.

Energy

Now One of the World's Energy Powerhouses Has a Coal Squeeze

Australia's energy crisis keeps getting stranger.

Energy

S.C. Regulators Asked to Review Rate Hikes for Canceled Project

South Carolina utility regulators are weighing a request to suspend previously approved rate increases for Scana Corp. related to its canceled V.C. Summer nuclear plant expansion.

Energy

U.K. Opposition Steps Up Push to Nationalize Energy Companies

Jeremy Corbyn's Labour Party is talking more about nationalizing Britain's energy companies, suggesting it could "take control" of major utilities like SSE Plc and Centrica Plc if the opposition wins the next election.

Pipeline Safety

Pipeline Safety Agency Nominee Wants New Tech, Faster Hiring

A former CSX official would focus on new technology, first responders' needs, and faster hiring if confirmed as the next director of the Pipeline and Hazardous Materials Safety Administration, he told a Senate panel Sept. 27.

Renewable Energy

China's New Silk Road Seen as Spur for Electric Cars in Europe

China's new silk road stretching into the heart of Europe may be what ultimately delivers more climate-friendly technologies like batteries and electric cars.

Renewable Energy

EPA Is Said to Weigh Easing Compliance Burden for Ethanol Rules

The Trump administration is considering a policy change that could allow an extra billion gallons or more of ethanol each year to qualify toward the U.S. biofuel mandate, lowering costs for refiners at the expense of corn farmers, according to people briefed on the discussions.

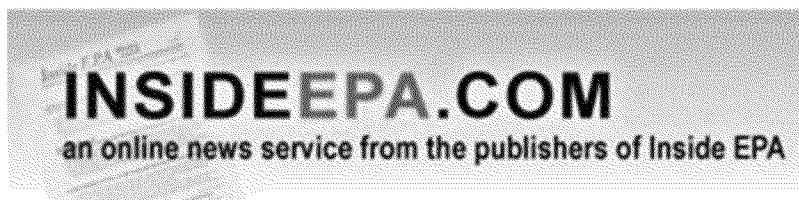
Amazon.Com for Fuel Is How China Oil Wolves Battle State Tigers

China's oil-industry "wolves" want to help fuel buyers get rid of paperwork, and instead provide them with the Amazon.com experience.

Practitioner Insights

*Regulatory Policy***Practitioner Insights: Fuzzy Math to Assault Environmental Rules**

The Trump administration's relationship with numbers has been rocky from day one when White House officials inexplicably disputed evidence-based estimates of the number of people at the president's inauguration. Of course, the stakes in that kerfuffle—public relations and personal ego—were relatively low.

**TRUMP'S EPA: Agency at a crossroads -- Complete coverage**

Inside EPA's **Weekly Report**, 09/29/2017

<https://insideepa.com/newsletters/inside-epa>

Latest News**Vehicle GHG Rules Become Major Flashpoint For Climate Damages Fight**

The Trump administration's review of vehicle greenhouse gas and fuel economy rules is becoming a major flashpoint over the White House's efforts to diminish the role of monetized climate benefits in regulatory cost-benefit analysis, with environmentalists essentially threatening litigation over any failure to account for increased GHGs due to weakening the vehicle standards.

RFS Data Notice Prompts Questions Over Possible Cuts To Biofuels Goals

EPA's release of a notice of data availability (NODA) on possible further cuts to advanced biofuel and biodiesel blending targets under the renewable fuel standard (RFS) is prompting questions about whether the notice might spur last-minute changes to EPA's looming 2018 RFS and how it might influence the pending 2019 RFS.

Daily Feed**Appellate court sets briefing in challenge to RMP delay**

The case is expected to test EPA's authority to delay rules under the Clean Air Act.

Democratic AGs vow success on climate push

The state officials also praised the recent formation of a center at New York University to help coordinate their efforts to combat Trump administration deregulatory moves.

Quote-unquote: states' CAA deference and the coming CPP replacement

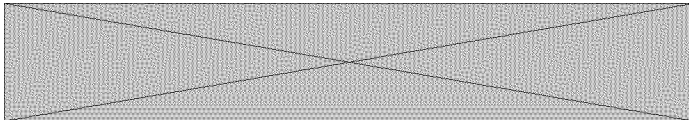
Plus: CWA jurisdiction rule, a new effort to reduced regulatory burdens and one Republican's take on climate.

Ewire: Will California start a 'regulatory mutiny' over auto GHGs?

In today's Ewire: Is California about to stage a "regulatory mutiny" over clean car rules, or is it getting ready to deal with the Trump administration?

API defends EPA's 'exceptional events' air rule

In a new legal filing, the American Petroleum Institute backs EPA's position that some man-made emissions can be classified as "natural" events exempt from Clean Air Act compliance.



EPA

Pruitt's phone booth a 'head-scratcher'

Kevin Bogardus, E&E News reporter

Published: Wednesday, September 27, 2017



EPA Administrator Scott Pruitt's plan to build a soundproof booth in his headquarters office recalled the "Cone of Silence," which was used to protect secret conversations in the 1960s television spy comedy, "Get Smart." [Get Smart/Wikipedia](#)

Former U.S. EPA officials are puzzled by Administrator Scott Pruitt's plan to build a secure phone booth in his office at agency headquarters.

EPA signed a contract this summer to build a "privacy booth" in the administrator's office.

Acoustical Solutions, a Richmond, Va.-based company, is slated to build a soundproof booth — at a cost of \$24,570 — to ensure the secrecy of Pruitt's phone calls. The project is expected to be completed by Oct. 9, according to the contract, which was first reported by *The Washington Post*.

Past EPA leaders say they are puzzled by Pruitt building a Sensitive Compartmented Information Facility, or SCIF, considering EPA already has such a facility in its Washington headquarters.

When asked by E&E News about Pruitt's phone booth, Stan Meiburg laughed.

"What is the compelling argument to have a SCIF on the third floor in the administrator's office? It's certainly a bit of a head-scratcher," said Meiburg, who was EPA's acting deputy administrator from 2014 to 2017.

"There is a legitimate need to have a facility for secure communications. ... They have one down there in the basement. I've been in it. It's easily accessible," he said. "The administrator can take an elevator to get down there."

EPA press officials didn't respond to questions from E&E News for this story.

Liz Bowman, an EPA spokeswoman, told *The Washington Post* the enclosure was "a secured communication area in the administrator's office so secured calls can be received and made," adding it was a SCIF that EPA needed to update.

Other EPA contract records show the agency has paid \$7,978 to "remove CCTV equipment to accommodate a secure phone booth for the administrator's office."

Former EPA officials told E&E News that along with the agency operating a SCIF in the basement of headquarters, there is also a secure area in EPA's Office of Homeland Security to review classified documents and hold closed talks. Several who served at the agency in the Obama administration struggled to explain the need for another secure area.

Asked whether he was confused by EPA building a secure phone booth for Pruitt, Avi Garbow said, "I would certainly say so."

"I'm not privy to the internal justifications, but the reports I have seen do not comfortably match my own experience," said Garbow, EPA's general counsel from 2013 to 2017 and now a partner at Gibson Dunn.

"This is just so bizarre. It seems like the height of paranoia to me," said Liz Purchia, a former EPA public affairs chief under Administrator Gina McCarthy, about the secure booth. "As someone who spent a lot of time in the administrator's office, I can tell you that there was nothing like this previously."

Purchia said Pruitt may want his own SCIF to avoid staff as well as documenting his use of the room and the information that warrants protection. His critics have tagged the EPA administrator with a penchant for secrecy.

Pruitt did not release his public calendar until this week, more than seven months into his tenure. He also

has avoided documenting his orders, instead issuing "oral directives" ([Greenwire](#), July 3). And the EPA chief has ramped up his personal security detail compared with his predecessors, leading to increased spending ([Greenwire](#), July 5).

Garbow said it was not common for EPA staff, even the administrator, to use the agency's SCIF.

"When the SCIF was used, it was relatively few and far between," Garbow said.

In addition, EPA rarely handles classified information. The agency has only eight classified documents, with four set to be declassified, according to a fiscal 2017 classification [review](#).

"Oh, good heavens, no," Meiburg said when asked whether he often handled classified information.

"Handling classified information only happened on an occasional basis, and generally because it was usually dealing with national security, generated by other agencies."

Going to the SCIF is "not something you do even on a weekly or a monthly basis," Meiburg said.

"I used the SCIF a couple of occasions, but of the times we used it, we used it to do a conference call initiated by other agencies, typically the National Security Council," Meiburg said. "Why you need a new one is not clear to me. ... The business case for me is a little hard to make, from a national security perspective."

WHITE HOUSE

Tax reform won't touch carbon

[Zack Colman](#), E&E News reporter

Published: Wednesday, September 27, 2017



President Trump met with congressional tax writers yesterday at the White House. [@realDonaldTrump/Twitter](#)

Pricing carbon is not in the mix in a tax code overhaul framework released today by the White House and congressional tax-writing committees.

"It's not on the table," a senior administration official said in a conference call with reporters.

Carbon taxes are likely a non-starter in the GOP Congress, even though Democrats and an emerging coterie of conservatives see President Trump's tax overhaul push as a way to wiggle a carbon tax through Congress (*Climatewire*, Aug. 21).

They note it's a potentially big pot of money to offset other tax decreases, such as the 20 percent corporate tax rate — down from 35 percent — the White House and House and Senate tax committees are targeting.

Even some congressional Republicans appear to be getting on board, with Sen. Lindsey Graham (R-S.C.) renewing calls for a carbon fee (*E&E Daily*, Sept. 27).

While Graham has in the past advocated for some form of carbon pricing, he and other GOP lawmakers took a long hiatus on the matter in the wake of the tea party wave that came amid voting on cap-and-trade legislation in 2009.

But the White House has distanced itself from reports earlier this year that economic adviser Gary Cohn was open to a carbon tax to fund some of the broader reform package (*Greenwire*, March 22).

Cohn met with a group of GOP elder statesmen involved in the Climate Leadership Council after it released its plan for a revenue-neutral carbon tax.

Cohn's meeting and flirtation with a carbon tax generated criticism from the right. Fiscal conservatives who share ideological lineage with tea party lawmakers insist it's a pipe dream.

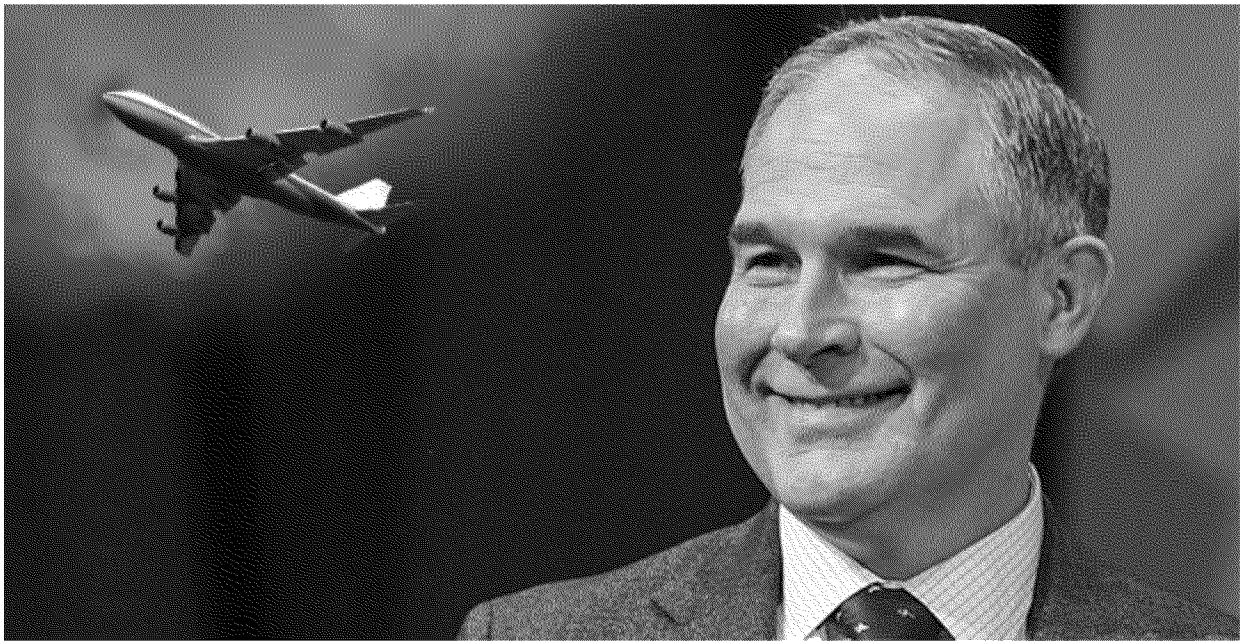
"Never gonna happen," Ryan Ellis, a consultant and former tax policy director with Americans for Tax Reform, said recently in an email. "Never ever never."

EPA

Delays led to Pruitt's charter flight — official

Kevin Bogardus, E&E News reporter

Published: Wednesday, September 27, 2017



An official with U.S. EPA told E&E News that Administrator Scott Pruitt only took a charter plane after being delayed hours waiting for his commercial flight. Gage Skidmore/Flickr (Pruitt); xlibber/Wikipedia (airplane)

U.S. EPA Administrator Scott Pruitt's use of a private jet to travel to Colorado's Gold King mine came after hours of delays with his previously planned commercial flight.

An EPA official told E&E News that Pruitt used the charter plane for the Aug. 4 flight in order to make the visit alongside Colorado elected officials, including Gov. John Hickenlooper (D) and Sens. Michael Bennet (D) and Cory Gardner (R). CBS News was first to report yesterday that Pruitt took the private flight from Denver to Durango.

"After our commercial flight was significantly delayed (over five hours), it would have been impossible to make it to the important Gold King mine visit with a bipartisan group of elected officials waiting for the administrator," the EPA official said.

Hickenlooper's office offered to fly Pruitt to the site with a Colorado state-owned plane, but EPA declined that invitation.

"We don't know why they declined," Jacque Montgomery, a spokeswoman for Hickenlooper, told E&E News.

The EPA official responded, "Due to the short amount of time we had to make a decision and while the governor's office was working on logistics, we were able to find a charter plane which was cleared by the EPA's ethics counsel."

CBS News also reported that Pruitt took an Air Force jet from Cincinnati to New York after attending President Trump's infrastructure speech June 7. That flight cost taxpayers \$20,000, when commercial options would have been much cheaper.

The EPA official said agency staff was scrambling to have Pruitt make meetings in Italy scheduled before the Group of Seven summit.

"Due to logistical obstacles and the need to [attend] meetings with the Vatican before the G-7 summit, we needed to take this flight, which was cleared by the EPA's ethics counsel," the official said.

Pruitt's travel has already attracted scrutiny. The EPA administrator's frequent trips home to Oklahoma are now being reviewed by the agency's inspector general ([Greenwire](#), Aug. 28).

House watchdogs have also taken an interest in Pruitt's and other agency leaders' air travel.

House Oversight and Government Reform Chairman Trey Gowdy (R-S.C.) and ranking member Elijah Cummings (D-Md.) have sent letters yesterday to the White House and 24 federal agencies asking about their political appointees' use of military and private jets.

"Official travel on the part of federal employees must be 'by the most expeditious means of transportation practicable' and 'commensurate with the nature and purpose of the [employee's] duties,' and by no means should include personal use," the lawmakers wrote to Pruitt.

Gowdy and Cummings also sent similar letters to the departments of Energy and the Interior, as well as the White House. Their investigation comes after it was found that Health and Human Services Secretary Tom Price often flew on charter jets.

The EPA official said of the lawmakers' letter: "We will get back to Congress through the proper channel."

DOE

Perry, Hamm huddle over 'pathetic' energy statistics

[Hannah Northey](#), E&E News reporter

Published: Wednesday, September 27, 2017



Harold Hamm, CEO of Continental Resources Inc. Beбето Matthews/Associated Press

This story was updated at 1:10 p.m. EDT.

Energy Secretary Rick Perry met today with Continental Resources Inc. CEO Harold Hamm, Trump's former energy adviser, who's reportedly frustrated with federal statistics on oil production.

The meeting between Perry and Hamm first came to light after the oil magnate called a *Politico* reporter who's written stories critical of the U.S. Energy Information Administration's forecasts.

Michael Grunwald then tweeted tidbits of his conversation with Hamm, and DOE today confirmed the meeting took place.

During the call, Grunwald said Hamm argued that EIA estimates for oil production missed real-time developments on drilling, calling the forecasts "pathetic." A spokeswoman for Hamm did not immediately respond to a request for comment.

"They don't get it. ... They're not making America great," Hamm reportedly told Grunwald.

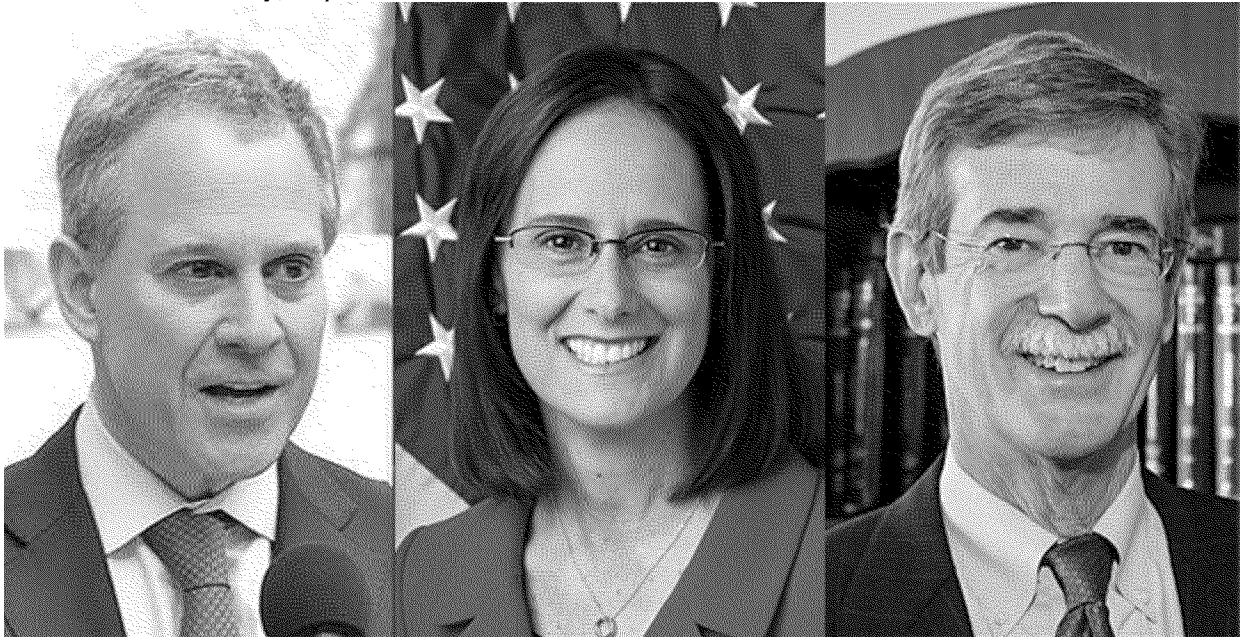
Perry's meeting with Hamm arrives a day before he is slated to tour a coal mine in Pennsylvania that received a federal grant earlier this year to recover rare minerals. Perry is scheduled to tour the Jeddo Coal Co. in Hazleton, Pa., tomorrow, a facility that DOE awarded \$1 million in grant funding for a pilot program to extract rare earth elements from soil overburden.

LAW

Democratic state AGs vow to battle Trump admin rollbacks

Amanda Reilly, E&E News reporter

Published: Wednesday, September 27, 2017



(Left to right) Democratic Attorneys General Eric Schneiderman of New York, Lisa Madigan of Illinois and Brian Frosh of Maryland. Schneiderman/Facebook; Illinois Attorney General Office; Maryland Attorney General's Office

Democratic attorneys general yesterday vowed to keep aggressively fighting the Trump administration's rollbacks of environmental regulations, as well as seek opportunities for cooperation with their colleagues in Republican states.

Jan. 21 was a "galvanizing moment among state AGs," said New York Attorney General Eric Schneiderman at an event meant to commemorate the formation of a new center to help state attorneys general litigate environmental issues in the Trump era.

The top lawyers from Democratic states have already been a thorn in the Trump administration's side as it pursues its deregulatory agenda. State attorneys general have jumped into litigation over the administration's plans to roll back methane regulations and chemical safety rules, as well as sought to defend the Obama administration's top environmental priorities in court ([Greenwire](#), March 1).

"I'm worried and yet determined," said Maryland Attorney General Brian Frosh. "We'll continue to sue the bastards."

Illinois Attorney General Lisa Madigan joined Schneiderman and Frosh at the event at New York University's School of Law.

All three are part of the new State Energy and Environmental Impact Center launched by the law school last month. The initiative aims to offer legal, analytical and communications tools to boost coordination among state officials ([Greenwire](#), Aug. 17).

It's funded by a nearly \$6 million grant from Bloomberg Philanthropies, the charity of former New York mayor and billionaire environmentalist Michael Bloomberg. David Hayes, who served as deputy secretary and chief operating officer at the Interior Department during the Clinton and Obama administrations, is the center's first executive director.

"State AGs are fighting not just for the environmental values we all cherish, but for application of the rule of law," Hayes said yesterday.

Frosh, who serves under a Republican administration, said state lawyers in general have had "an authority problem and a resource problem." He pointed to his experiences in his state, where he said it's been difficult to pull people from the Maryland Department of the Environment from Republican Gov. Larry Hogan's priorities to his own enforcement and litigation goals.

He cheered the February decision by the state's Democratic-led General Assembly to give the attorney general blanket authority to sue the federal government. The prior law required the attorney general to obtain approval from the Legislature or governor.

Schneiderman predicted the Trump administration would coincide with "the emergence of a new kind of progressive federalism in the United States." The era would be defined as one "where the collapse of agencies of the federal government and unwillingness of Congress to stay the excesses of an administration resulted in more of a burden and more of a challenge being imposed on state actors."

Madigan, who has been attorney general of Illinois since 2003, said attorneys general opposed to the Trump administration should take comfort from the lessons of the Bush administration, when states successfully sued over the government's obligation to address greenhouse gas emissions.

"I have been where we find ourselves today before," she said. "I have seen some of the trends, I have seen that in spite of being on the defensive, we can also achieve tremendous success."

The new center at NYU's law school aims to provide help for state attorneys general "regardless of political party," but so far the initiative has attracted support only from Democratic officials.

Madigan urged attorneys general to find issues of common ground, such as restoring the Great Lakes and the Chesapeake Bay. The White House's budget proposal to zero out funding for a Great Lakes restoration initiative spurned bipartisan opposition, for example.

"We have been able to come together around those issues pertaining to the Great Lakes," Madigan said. "So that is a good way for us to try and find some common ground and work to persuade them about the importance not just about that specific issue but applying that lens to the greater issue of environmental protection."

EPA

Lawmakers, 'warrior women' oppose budget cuts

Arianna Skibell, E&E News reporter

Published: Wednesday, September 27, 2017



Gretchen Dahlkemper, director of Clean Air Moms Action, speaking with Green for All, calling on lawmakers, specifically women lawmakers to oppose Trump U.S. EPA budget cuts. Arianna Skibell/E&E News

Lawmakers joined a group of mothers today outside the Capitol to call on Congress to reject President Trump's proposed cuts to U.S. EPA's budget.

Climate activists with the groups Green for All, Moms Clean Air Force and Climate Parents joined Democratic Reps. Nanette Diaz Barragán and Barbara Lee of California and Pramila Jayapal of Washington in urging lawmakers to protect vulnerable children and communities by fully funding the environmental agency.

Lee called the mothers "warrior women," praising them for taking on what she sees as the most pressing

issue today. "Nothing is more important right now than the fight to save our environment," Lee said. "[You] are the resistance to this terrible Trump administration agenda, which is so detrimental to our planet."

The White House proposed to slash EPA's budget by 31 percent and sought a roughly 13 percent cut for the Interior Department in fiscal 2018. But Republican and Democratic appropriators in both chambers have said they were uncomfortable with some of the reductions.

The House Appropriations Committee in July approved a \$31.4 billion spending bill for EPA, Interior and related agencies, giving them more than \$800 million less than in fiscal 2017 but rejecting many of the administration's steeper cuts.

Gretchen Dahlkemper, director of Clean Air Moms Action, a community of more than 1 million parents across the country, said there is a vacuum of climate leadership in Congress that needs to be filled.

"We know as women, as mothers, it's critically important for us to come together and ensure we are protecting the health of our families and the safety of our communities," she said.

Barragán, a member of the House's United for Climate and Environmental Justice Task Force, said global warming and environmental degradation are disproportionately affecting communities of color and marginalized people.

"To see women here today is so very important, because we need to make sure we're standing up for our communities, for our families, because this is a public health crisis," she said.

Dahlkemper said her group has scheduled a slew of meeting with lawmakers today, where she will urge them to take action on climate for the future of the country's children.

PEOPLE

Murkowski picks former speechwriter as staff director

Hannah Northey, E&E News reporter

Published: Wednesday, September 27, 2017

This story was updated at 1:18 p.m. EDT.

A former Republican speechwriter will become staff director for Senate Energy and Natural Resources Chairwoman Lisa Murkowski (R-Alaska).

Brian Hughes will succeed Colin Hayes, who has served as Murkowski's staff director since the beginning of last year. Hays first joined the Energy panel in 2003 as an aide to then-Chairman Pete Domenici (R-N.M.) and served in a variety of roles before becoming staff director at the beginning of last year (Greenwire, Jan. 4, 2016).



Brian Hughes. Hughes/LinkedIn

Hayes left the Senate committee for one year in 2013 to serve as an executive vice president of McBee Strategic Consulting in Washington before returning as deputy staff director. A spokeswoman for Murkowski said Hayes is leaving to pursue an opportunity in the private sector but declined to provide further details.

"With Colin at the helm, I never once had to worry about the direction or the quality of the committee's work," Murkowski said in a statement today. "He is an incredible leader with a rare gift for developing good public policies and the strategies needed to advance them in a consensus-driven way."

Hughes, an Anchorage native who has served as the committee's deputy staff director since December 2015, will likely bring with him a continued push to open the Arctic National Wildlife Refuge for oil and gas exploration — a top agenda item for Murkowski.

He first came to Washington as an intern for then-Sen. Ted Stevens (R-Alaska) during college and later worked as the senator's speechwriter. Before he left office in 2009, Stevens vowed to open ANWR.

Hughes joined the committee in 2007 and held various positions, including legislative aide, senior writer and policy adviser, before leaving the panel to serve as a speechwriter for Republican Mitt Romney's presidential campaign in 2012.

OBITUARY

18-term Pa. lawmaker who promoted coal dies at 85

Published: Wednesday, September 27, 2017

Joseph McDade, who served 18 terms in Congress and helped revive northeastern Pennsylvania's coal industry, died Sunday. He was 85.

The Pennsylvania Republican kicked off his political career in 1962, when he was elected to succeed Rep. William Scranton (R). A largely pro-labor Republican and a conservative on social issues, he enjoyed immense popularity in his home district.

One of his key accomplishments on the energy front was persuading the Defense Department to buy

about 300,000 tons of high-sulfur anthracite coal from Pennsylvania — roughly 10 percent of the country's output — each year.

After being indicted on racketeering and bribery charges, he maintained his leadership role as ranking minority member on the House Appropriations Committee. He was later acquitted after testifying that his failure to report improper gifts was a mistake.

McDade retired in 1998 as the longest-serving Republican in the House at the time (Sam Roberts, New York Times, Sept. 26). — MJ

AIR POLLUTION

Parties seek 1-month extension to hammer out Ark. haze deal

Sean Reilly, E&E News reporter

Published: Wednesday, September 27, 2017

With settlement talks making progress, all sides are entreating a federal appellate court for another month to hammer out a final deal over haze reduction regulations for coal-fired power plants in Arkansas.

"This matter is highly technical, and resolution involves a complex series of negotiations between various parties, each of which has separate and overlapping interests from one another," lawyers for the state, U.S. EPA, power producers and environmental groups wrote in a [joint status report](#) filed yesterday with the 8th U.S. Circuit Court of Appeals.

Litigation surrounding EPA's haze reduction plan for the state has been in abeyance since March; in granting the most recent extension, which ended yesterday, the court warned in July that it would not look favorably on further delays (Greenwire, July 31). In yesterday's report, however, the parties asked for one more extension, until Oct. 31, and stressed that they are working hard to wrap up an agreement.

"All parties have participated in good faith negotiations and believe that additional time may lead to a non-litigation resolution of some or all of the claims in these petitions," they wrote, adding that any settlement will take "a significant investment in government resources."

As of this morning, the court had not ruled.

EPA's regional haze program, authorized by the Clean Air Act, is intended to clean up the air in 156 national parks and wilderness areas by 2064. The plan for Arkansas, published by EPA last September in the waning months of the Obama administration, is geared to cut emissions of sulfur dioxide and nitrogen oxides (NOx) at plants owned by Entergy Corp. and other power producers by tens of thousands of tons per year. According to EPA, the plan would improve visibility in the Caney Creek Wilderness and the Upper Buffalo Wilderness, both of which are in Arkansas, as well as the Hercules-Glades Wilderness and the Mingo National Wildlife Refuge in Missouri (Greenwire, Sept. 2, 2016).

Both the state and Entergy are suing to block the regulations. Under the Trump administration, EPA has proposed to push back the deadlines for several plants to meet the NOx emissions limits from 2018 to early 2020; the public comment period on that proposal ended last Friday.

The Arkansas Department of Environmental Quality is also working on changes to a state implementation that, if approved by EPA, would "significantly narrow" or moot the issues before this court, the status report said.

ENERGY MARKETS

Rep. Smith: Russian entities pushed agenda on social media

Sam Mintz, E&E News reporter

Published: Wednesday, September 27, 2017

This story was updated at 1:13 p.m. EDT.

A House Republican is extending his probe of Russian involvement in U.S. energy markets into the social media world, following the track of investigations into Russia's meddling in politics and the 2016 election.

In letters to the heads of Facebook, Twitter, and Google's parent company, Alphabet, Rep. Lamar Smith (R-Texas), chairman of the House Science, Space and Technology Committee, asked for any information about Russian entities purchasing anti-fracking or anti-fossil-fuel ads or promotions.

"In light of Facebook's disclosure of over \$100,000 in social media advertising associated with Russian accounts focused on the disruption and influence of U.S. politics through social media, it is likely that Russia undertook a similar effort using social media to influence the U.S. energy market," Smith wrote.

The lawmaker's theory, laid out in a June [letter](#) to Treasury Secretary Steven Mnuchin, is that Russia is behind vitriol directed at fossil fuels in the United States because it wants to safeguard the influence of its own oil and gas sector ([E&E News PM](#), July 7).

He claimed that Russian government entities have donated money to environmental groups including the Sierra Club, League of Conservation Voters and Natural Resources Defense Council.

Smith's new worry is that social media platforms could be an effective Russian anti-fossil-fuel propaganda arm.

"The Committee is concerned that divisive social and political messages conveyed through social media have negatively affected certain energy sectors, which can depress research and development in the fossil-fuel sector and the expanding potential for natural gas," he wrote.

Alphabet and Facebook did not respond to requests for comment. A Twitter spokesperson said that the company had received the letter and plans to respond.

METHANE

A burger made from landfill gas? Not so far-fetched

Published: Wednesday, September 27, 2017

Imagine eating a burger or steak that was made from gas in a landfill.

While that scenario may sound disgusting or far-fetched, scientists in California and India are hoping the idea will catch on with consumers.

California-based biotechnology firm Calysta Inc. has developed technology that turns methane into protein. The company feeds bacteria a liquid containing natural gas from a pipeline in Memphis, Tenn., triggering a fermentation process that produces protein.

Its product is already being used in animal feed — a step toward preparing it for humans to eat.

Meanwhile, India-based biotechnology firm String Bio Pvt. Ltd. has pioneered a different process that yields the same results. The firm is seeking funding from investors so it can commercialize its product and meet a growing demand for protein.

"It's way better to turn methane into food than burn it," said Alan Shaw, CEO of Calysta. "What better use for it than to turn it into protein and put it into the human food system, and take a lot of the pressure off?" (Ann Koh, [Bloomberg](#), Sept. 26). — MJ

DRINKING WATER

DOE tries solar power to lower desalination costs

[Ariel Wittenberg](#), E&E News reporter

Published: Wednesday, September 27, 2017



Genesis Solar in Blythe, Calif. Evan Derouen/ U.S. Department of Energy/Flickr

The Department of Energy announced \$15 million in new funding today to reduce the cost of desalination through solar thermal energy.

Electricity costs account for up to half of the operating expenses for desalination operations that remove salt from water in order to make it potable, according to DOE.

But using either electricity or thermal energy from solar energy could help dramatically reduce those costs, while also making desalination systems more portable.

"By integrating solar technology with desalination, we can dramatically lower the cost of creating clean water," Charlie Gay, DOE Solar Energy Technologies Office director, said in a statement.

"Solar desalination can not only be used in creating freshwater from saltwater, but also to clean wastewater from industrial processes."

DOE anticipates the \$15 million available will help fund seven to 10 projects, with money awarded in cooperative agreements requiring between 20 to 50 percent cost share.

Projects will have to show that they are "significant improvements" over currently available technologies.

"For example," DOE writes, "projects that seek to address challenges facing municipal markets that utilize seawater for desalination will need to demonstrate success in creating low-cost freshwater at high volumes."

EPA

Agency poised to release strategic plan

Sean Reilly, E&E News reporter

Published: Wednesday, September 27, 2017

U.S. EPA is poised to release a new strategic plan, affording the Trump administration an opportunity to spell out a long-term vision for the agency that effectively enhances the role of state regulators.

The plan "should come out in the next week or two and it will be open for public comment," spokeswoman Liz Bowman said in an email this morning to E&E News. In a webinar yesterday, Henry Darwin, EPA's chief of operations, had said the plan was coming soon.



Henry Darwin. Darwin/LinkedIn

The plan will contain "a strong commitment to changing the way that we view our relationship with the states," Darwin said, and will align with the concept of "cooperative federalism." The webinar was hosted by the Environmental Council of the States, which represents the heads of regulatory agencies around

the nation.

Already, Darwin said, EPA officials are meeting with their state counterparts to discuss what can be done now to further those cooperative efforts.

EPA is also evaluating all aspects of its interaction with states, in regard to both individual activities and program evaluation, and has asked each regional office to inventory those connections, Darwin said.

"We're taking this seriously," he said.

Cooperative federalism, a favorite catchphrase of EPA Administrator Scott Pruitt, is a concept subject to varying interpretations.

As the best existing example of how it works, Darwin pointed to EPA's E-Enterprise for the Environment initiative, described on its website as "a new model for collaborative leadership" that seeks to streamline business processes and make better use of technology.

Under a 2011 federal law, agencies are supposed to update their long-term strategies by early next year to reflect the Trump administration's priorities (*Greenwire*, June 26).

EPA's current plan, developed under the Obama administration and still posted on the agency's website, stresses the importance of combating climate change and other goals at odds with President's Trump agenda.

Darwin, former chief operating officer for Arizona Gov. Doug Ducey (R), has had the lead in crafting the new plan; it will be published in the *Federal Register* with a specified period for public feedback, Bowman said.

DOE

Employee improperly lobbied to get his daughter a job — IG

Sam Mintz, E&E News reporter

Published: Wednesday, September 27, 2017

A Department of Energy employee improperly pressed the agency to hire his daughter, the DOE inspector general said in a report released today.

The Office of Policy employee, who wasn't identified in the report, provided his daughter's resume to a hiring official last year ahead of her college graduation and then communicated with that official at least twice about potential federal employment.

The employee also inquired with an employee at the Advanced Research Projects Agency-Energy (ARPA-E) about an internship position.

The inspector general found that while the employee's actions are not legally considered nepotism because the employee is not defined as a public official, they constitute a misuse of his position.

The report also places blame on three procurement officials who interviewed the daughter and attempted to hire her despite her relationship to a department employee and despite her being deemed unqualified for the post.

"Prohibited personnel practices and misuse of position circumvent the integrity of the competitive hiring process, can damage the effectiveness and morale of an organization, and can erode the public's trust in the Federal hiring system," the inspector general wrote. "Even though the Office of Management took prompt action to identify and address the matter, and the Employee's daughter was not hired, we identified some issues we believe need to be addressed by the Office of Management and the Acting Chief Human Capital Officer."

The watchdog stopped short of suggesting punishments for the four employees but said DOE should determine if any administrative action is warranted. It also recommended putting together a corrective plan for hiring officials to make sure that they fully understand rules and requirements.

ELECTRIC VEHICLES

Dyson to spend \$2.68B on 'radically different' car

Published: Wednesday, September 27, 2017

Dyson Ltd. plans to spend \$1.34 billion to make a "radically different" electric vehicle by 2020, founder James Dyson said yesterday.

The company — better known for its vacuum cleaners, hand driers and air filters — will invest an additional \$1.34 billion in developing batteries to power the car.

Dyson is entering a crowded global race to build electric cars, with big players including Volkswagen AG, Tesla Inc. and Toyota Motor Corp.

But Dyson said his cars will stand out from the competition because they will spurn lithium-ion batteries in favor of smaller, more efficient solid-state batteries.

"There's no point doing something that looks like everyone else's," he said. "It is not a sports car and not a very cheap car" (Jeremy Kahn, [Bloomberg](#), Sept. 26). — **MJ**

AUTONOMOUS VEHICLES

Ford, Lyft strike deal on driverless-car software

Published: Wednesday, September 27, 2017

Ford Motor Co. and Lyft Inc. announced today they will work on a self-driving vehicle for the ride-hailing service.

The companies will develop software that allows Ford cars to communicate with Lyft's application.

Lyft has also partnered with other firms developing self-driving technology, including Waymo and Tata Motors Ltd.

The company is starting its own autonomous-car development division, as well (Greg Bensinger, [Wall Street Journal](#), Sept. 27). — **CS**

ILLINOIS

Governor aims to loosen limits on coal plant emissions

Published: Wednesday, September 27, 2017

Illinois Republican Gov. Bruce Rauner's administration is pushing to weaken emissions regulations for some of the last coal-fired power plants in the state, a change that could dirty the air in Chicago and as far away as New York.

The proposals would do away with limits on the rate of pollution at eight plants owned by Dynegy Inc. The state would instead use annual caps on sulfur dioxide and nitrogen oxides emissions.

The caps would substantially increase the amount of pollution that Dynegy's plants could emit compared with the past two years under the stricter regulation. The cap on sulfur dioxide would be nearly double what the plants emitted last year; the cap on emissions of nitrogen oxides would be 79 percent higher than 2016 emissions.

State officials say the change would keep the plants financially viable. Several of the plants lack modern pollution controls.

A state rulemaking panel would consider the changes, expected to be introduced this month.

In a letter to the state EPA, Attorney General Lisa Madigan (D) asked why the rule change is necessary and whether Dynegy plans to use its cleaner plants less and its older plants more.

"We want to make sure the public is getting the full benefit of the pollution standards the company agreed to meet," said James Gignac, Madigan's environmental counsel.

Environmental groups say the changes would effectively allow Dynegy to avoid installing pollution controls.

However, a Dynegy spokeswoman said the switch to annual caps "would mean real environmental benefits" (Michael Hawthorne, *Chicago Tribune*, Sept. 27). — NB

FLORIDA

State's disaster manager resigns, heads to private sector

Published: Wednesday, September 27, 2017

As Florida recovers from the destructive Hurricane Irma, the state's disaster management supervisor, Bryan Koon, announced his resignation yesterday.

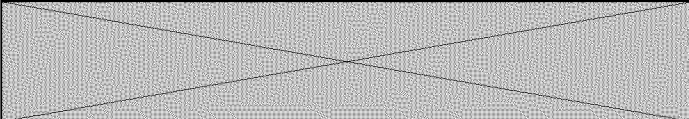
Koon had planned to leave Sept. 1, but Gov. Rick Scott (R) asked him to stay through the month after the storm.

"Under Bryan's leadership, Florida has been recognized as a national leader in emergency preparedness," Scott said in a statement. "Since day one, Bryan has done an excellent job ensuring our state is prepared and able to respond to countless weather events including Hurricanes Hermine, Matthew and Irma."

Koon heads the Division of Emergency Management, a branch of the governor's office. It coordinates disaster relief with the Federal Emergency Management Agency. DEM chief of staff Wes Maul will take over.

Irma left 13 million without power initially and has been blamed for 54 deaths in the state, not including the 11 elderly residents of a nursing home who died after overheating when the air conditioning failed.

Koon has worked in Scott's administration since 2011. He plans to work in the private sector, Scott said (Arek Sarkissian, *USA Today*, Sept. 26). — NB

	
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